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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
130209.450C1

In re Application of: Feng Liang et al.

Application No. 09/683,018

Filed: November 8, 2001

For: **ELECTRIC MACHINE WITH COOLING RINGS**

The owner*, Ballard Power Systems Corporation of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,445,095. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Dennis M. de Guzman Reg. No. 41,702 3/24/03
Signature Date

Dennis M. de Guzman

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

367095_1 [04-04-01]

**TERMINAL DISCLAIMER
DISAPPROVED***Sharon S. Hoppe*
SHARON S. HOPPE**PARALEGAL SPECIALIST
TECHNOLOGY CENTER 2800**

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Atty Not Recd.
TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSIGNMENT

WHEREAS, Ford Global Technologies, Inc. ("FGTI"), a corporation organized and existing by virtue of the laws of the State of Michigan and having a principal place of business at One Parklane Boulevard, Parklane Towers East, Suite 600, Dearborn, County of Wayne, and State of Michigan, is the owner by assignment recorded at Reel 011480, Frame 0221, of the invention claimed in United States Patent No. 6,445,095 issued September 3, 2002, titled ELECTRIC MACHINE WITH LAMINATED COOLING RINGS, which was filed in the United States Patent and Trademark Office (USPTO).

WHEREAS, Ballard Power Systems Corp. ("Ballard", formerly Ecostar Electric Drive Systems LLC), a corporation organized and existing by virtue of the laws of the State of Delaware and having a principal place of business at 15001 Commerce Drive North, Dearborn, County of Wayne, and State of Michigan, is desirous of acquiring an interest therein;

NOW, THEREFORE, for the sum of One Dollar US (\$1.00 US) and other good and valuable consideration, receipt of which is hereby acknowledged, FGTI by these presents does assign and transfer unto Ballard the full and exclusive right for the United States of America and for all foreign countries to said invention, together with all patents, patent applications, divisionals, continuations-in-part, continuations, renewals, or secondary filings thereof.

Ford Global Technologies, Inc.

By: 

Thomas J. DeZure

Title: Assistant Secretary

Date: 12/17/02

USPTO Filing Date: January 11, 2001

USPTO Application No. 09/758,871

US Patent No: 6,445,095

USPTO Issue Date: September 3, 2002

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 01-May-03

APPL. S.N.: 09/683,018

TO: EXAMINER Nguyen, Tran N.

ART UNIT: 2834

FROM: Hoppe, Sharon

PARALEGAL SPECIALIST

RETURN THIS MEMO TO: CP4-6D34

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 24-Mar-03

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- ☐ The T.D. is PROPER and has been recorded (see ¶ 14.23).
- ☒ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24).
- ☐ The T.D. fee of _____ has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application patent (see ¶¶ 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see ¶¶ 14.26 & 14.26.02).
 - ☒ The person who signed the T.D.:
 - ☒ is not an attorney "of record" (see ¶¶ 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
 - ☐ is not recognized as an officer of the assignee (see ¶¶ 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
 - ☐ The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶¶ 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.26.03).
 - ☐ Other: _____
 - ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and **do not** check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: _____ Date: _____

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(Rev. 5/98)

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Thursday, May 01, 2003 10:59:04 AM